



GENERAL ORDER

Number: 264 Page 1 of 4

Subject: Political Activity

Date: 15 May 2006

Distribution: All DOS Employees

I. PURPOSE:

To establish policy and guidelines for the employees of the Tennessee Department of Safety concerning the above captioned subject.

II. POLICY:

The Department of Safety is a highly professional division of state government. It shall therefore be required that all employees discharge their duties in a diplomatic and professional manner with the respect afforded them. Employees of state government are often subjected to intense public scrutiny, especially when functioning in an official capacity in the work environment. All employees are afforded certain rights and privileges, as are all citizens; however, great care and thought should be given before any action is taken that might be perceived as detrimental to the employee and/or the Department. The Department prohibits current and prospective employees from soliciting and/or accepting political influence when seeking employment, promotions, transfers, or special assignments. Political influence from both external sources or internal (Departmental) sources is strictly forbidden. Persons found to be in violation of these provisions shall be subject to disciplinary actions up to and including dismissal. For these reasons, guidelines are provided to aid all employees in exercising prudent judgment.

III. DEFINITIONS:

- A. Public officers and employees: all employees of the executive branch of state government, or any department, division, or agency thereof, and all appointed officers and career service employees of state government, or any department, division, establishment, corporation or agency supported principally by state funds.
- B. Contribution: any advance, conveyance, deposit, distribution, transfer of funds, loan, loan guaranty, payment, gift, pledge or subscription of money or thing of value, including, but not limited to, use of a facility or provision of personal services, for use on behalf of any candidate for political office, or for any political purpose or campaign expense.
- C. Partisan Election: an election that may be shown by fact that a candidate is nominated or endorsed by state or national political parties or local political committee of such state or national political party.

This Order supersedes General Order No. 264, 1 August 1993

C.A.L.E.A. Standard(s): 1.1.1, 1. 1.1.2, 26.1.1

IV. GUIDELINES:

A. There are three statutes which regulate the political activities of State employees.

1. "The Little Hatch Act" (T.C.A. § 2-19-201 through 208) applies to public officers and employees of the State.

a) This Act prohibits public officers and employees from:

- (1) Using their official position, authority or influence to interfere with an election or nomination for office or directly or indirectly attempt to intimidate, coerce or command any other officer or employee to vote for or against any measure, party or person, or knowingly receive or pay assessments of any kind or character for political purposes or for election expenses from any other officer or employee;
- (2) Soliciting directly or indirectly, any contribution of money, thing of value, facilities or services of any person who has received contracts, compensation, employment, loans, grants or benefits, or any person whose organization, agency, firm has received such benefits financed by public funds, state, federal or local, for political purposes or campaign expenses;
- (3) Soliciting, accepting, or collecting, directly or indirectly, any contribution from a public officer or employee if the solicitor or the solicitor's principal is, directly or indirectly, in a supervisory capacity over such officer or employee or is otherwise able to control the retention, promotion, demotion, or terms or conditions of employment of such officer or employee;
- (4) Promising, directly or indirectly, any employment, position, work, compensation, contracts, loans, grants, appropriations or other benefits provided principally from public funds as a consideration, favor or reward for any political activity, support or opposition to any candidate, party or measure in any election;
- (5) Directly or indirectly depriving, attempting to deprive, or threatening to deprive any person of employment, position, work, compensation, contracts, loans, grants, appropriations or benefits provided from public funds for any political activity in support of or opposition to any candidate, party, or measure in any election;
- (6) Displaying political material in State owned or controlled buildings, or on State owned land or vehicles;
- (7) Participating in any political activity while on duty.

b) The Act does not apply to State employees who are on leave or during off-duty hours.

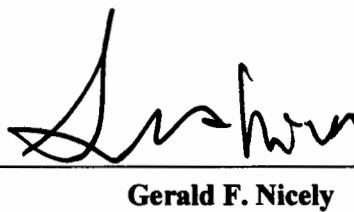
c) State employees covered by "The Little Hatch Act" may be a candidate for public office if all activities are conducted on non-duty time.

2. The Civil Service Law, T.C.A. § 8-30-221, prohibits employees holding positions in the career service from soliciting or being in any manner concerned in the soliciting, subscriptions or contributions for any political party or political purpose.
3. "The Hatch Act" (5 USC Sec. 1501 through 1508) applies to employees of the State whose position is federally funded or whose principle function is in connection with a program financed in whole or in part by federal loans or grants.
 - a) This Act prohibits employees from:
 - (1) Being a candidate for public office in a partisan election;
 - (2) Influencing the outcome of an election or nomination for office by using their official authority;
 - (3) Directly or indirectly coercing or attempting to coerce another employee or subordinate to contribute money or anything of value in support of a political party or candidate.
 - b) "The Hatch Act" applies to employees both during duty and non-duty hours, and while on leave.

- B. Employees should also review Executive Order No. 3 before engaging in certain political activities. Executive Order No. 3 prohibits conduct, whether or not specifically prohibited by statute, regulation or Executive Order, that might result in or create the appearance of using public office for private gain, giving preferential treatment to any person, impeding government efficiency or economy, losing complete independence or impartiality, or affecting adversely the confidence of the public in the integrity of the government.

V. PROCEDURAL GUIDELINES FOR EMPLOYEES SEEKING ELECTED POSITIONS:

- A. Employees should also notify their immediate supervisor if the election is a partisan election or if the election becomes a partisan election. Employees running in a partisan election could place the Department and themselves in violation of the Federal Hatch Act.
- B. All aforementioned laws and guidelines prescribed in this Order shall remain in effect and be applicable.
- C. In addition, the following procedures are to be followed by all Department of Safety employees who run in any election.
 1. All employees must notify their immediate supervisor, by memorandum, of their intention to run in any political race.
 2. Upon receipt of the memorandum, supervisors, shall sign and date it as acknowledgement or receipt, and then forward the memorandum to the Commissioner's office.
- D. Upon receipt in the Commissioner's Office, a thorough review will be conducted, and the employee will be notified in writing of approval/disapproval by an entity having legal jurisdiction and authority in these matters.

A handwritten signature in black ink, appearing to read 'G. Nicely', is written over a horizontal line.

Gerald F. Nicely
COMMISSIONER

All Personnel:

I have read and fully understand the above Order.

Signature

Date